



महाराष्ट्र शासन राजपत्र

भाग चार-क

वर्ष ६, अंक १०]

गुरुवार ते बुधवार, ऑगस्ट १४-२०, २०१४/श्रावण २३-२९, शके १९३६

[पृष्ठे ९

[किंमत : रुपये ६.००]

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकाऱ्यांनी तयार केलेले (भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांव्यतिरिक्त इतर) वैधानिक नियम व आदेश ; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क), जिल्हा दंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

NOTIFICATION

No. PL (APP)/re-employment / 2014/1050.—In exercise of the powers conferred by article 229 of the Constitution of India and by virtue of the powers conferred under Rule 59(a) of the Bombay High Court Appellate Side Service Rules, 2000, the Honourable the Chief Justice is pleased to re-employ Shri Ashok Sakharam Khule, Assistant Registrar, High Court, Appellate Side, Bombay (retired w.e.f. 31st July 2014 (A.O.H.) on superannuation after availing two years' extension in service) as Assistant Registrar w.e.f. 1st August 2014 (B.O.H.) for a period of one year, purely on temporary basis on the establishment of the High Court, Appellate Side, Bombay on the following conditions :—

1. that he shall be liable to be terminated from service without any notice and without assigning any reason ;
2. that he shall not be entitled to count his new service for the purpose of pension and promotion ;
3. that his pay will be fixed as per Rule 157 of the Maharashtra Civil Services (Pension) Rules, 1982 and his pay fixation will be done separately.

Attention of Shri Ashok Sakharam Khule, is invited to the provision of Chapter XIV of the Maharashtra Civil Services (Pension) Rules, 1982, as required under Rule 155 thereof.

By order and in the name of the Honourable the Chief Justice,

High Court of Judicature at Bombay,
Dated the 1st August 2014.

DR. SMT. SHALINI PHANSALKAR JOSHI,
Registrar General.

प्रधान सचिव तथा निवासी आयुक्त

महाराष्ट्र सदन, कोपर्निकस मार्ग, नवी दिल्ली ११० ००१, दिनांक २८ जुलै २०१४

संदर्भ.— सामान्य प्रशासन विभाग, शासन निर्णय, क्र. एससीओ. १०९६/९००/प्र.क्र. ४७/९६/२०-अ, दिनांक ९ मे १९९७.**अधिसूचना**

क्रमांक निआ/आस्था/अनौ.सं./प्र.क्र. ४८/२०१४/७४५.—संदर्भांकित शासन निर्णयान्वये निवासी आयुक्त कार्यालयाकरिता प्रधान सचिव तथा निवासी आयुक्त यांना “प्रशासकीय विभाग प्रमुख” म्हणून घोषित करण्यात आलेले आहे.

या अधिकाराचा वापर करत निवासी आयुक्त कार्यालयाच्या आस्थापनेवरील “सहायक निवासी आयुक्त” (राजपत्रित वर्ग-१, वेतनश्रेणी रुपये १५,६००-३९,१०० + ग्रेड वेतन रु. ५,०००) या पदाचे पदनाम बदलून “सहायक निवासी आयुक्त (प्रशासन)” असे करण्यात येत आहे. पदनामात बदल झाल्यामुळे फक्त पदाच्या कामामध्ये बदल होणार असून कोणत्याही प्रकारचा वित्तीय भार शासनाच्या तिजोरीवर पडणार नाही.

मा. प्रधान सचिव तथा निवासी आयुक्त यांच्या मान्यतेने,

समीर सहाय,

अपर निवासी आयुक्त.

THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

NOTIFICATION

Read.—(1) Decision of the Meeting of the Honourable Welfare Committee held on 30th July 2014.

(2) Notification No. G/2791, dated 4th August 2014, issued by the Registrar (Original Side), High Court, Bombay, sparing the services of Shri M.H.I. Patel, on deputation, for the post of Deputy Registrar on the establishment of the High Court, Appellate Side, Bombay.

No. PL(APP)/Gr. A/2014/1074/6721.—Shri Mohamad Hanif Ismailshah Patel, Master and Assistant Prothonotary (Adm.), High Court, Original Side, Bombay, whose services are placed on deputation on the establishment of the High Court, Appellate Side, Bombay, is hereby appointed as “Deputy Registrar” on deputation basis, in the Pay Scale of 15,600-39,100 + Grade Pay 7,600, on the establishment of the High Court, Appellate Side, Bombay, with effect from 5th August 2014 (B.O.H.), until further orders.

By order and in the name of the Honourable the Chief Justice,

High Court of Judicature at Bombay,
Dated the 5th August 2014.

DR. MRS. SHALINI PHANSALKAR JOSHI,
Registrar General.

THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE*****NOTIFICATION***

No. PD(P) 0734/2014/350/6728.—It is hereby notified that Shri Amanat Hussein Murtuza Kazi, Assistant Registrar, High Court, Appellate Side, Bombay retired voluntarily with effect from 1st August 2014 (Before Office Hours).

By order and in the name of the Honourable the Chief Justice,

High Court, Appellate Side, Bombay,
Dated the 5th August 2014.

DR. MRS. SHALINI PHANSALKAR JOSHI,
Registrar General,
High Court (A.S.), Bombay

महसूल व वन विभाग

मंत्रालय, मुंबई ४०० ०३२, दिनांक ४ ऑगस्ट २०१४

अधिसूचना

क्रमांक आयएफएस-२०१०/१४८६/प्र.क्र. ४३०/फ-७.— भारत सरकार, पर्यावरण व वन मंत्रालय, यांची पुढील अधिसूचना पुन्हा प्रसिद्ध करण्यात येत आहे :—

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

Indira Paryavaran Bhavan, 6th Floor, Prithvi Wing, Jor Bagh,
Delhi 110 003, dated the 18th July 2014.

NOTIFICATION

No. 18012/01/2008-IFS-II.—In exercise of the powers conferred by the Rules 3 (2) of the Indian Forest Service (Probations) Rules, 1968 amended *vide* rule 2 of Indian Forest Service (Probation) Amendment Rules, 2007 the Central Government hereby confirm the following IFS Officers borne on Cadre of Maharashtra in the Indian Forests Service, with effect from the dates shown against his name :—

Sr. No.	Name of the Officer	Recruitment	Date of Appointment in the IFS	Proposed Date of Confirmation
(1)	(2)	(3)	(4)	(5)
1	Shri G. S. Balki	Promotee	1st February 2008	1st February 2009

S. D. TIWARI,

Under Secretary to Government of India.

By order and in the name of the Governor of Maharashtra,

CHANDRASHEKHAR TARANGE,
Desk Officer,
Revenue and Forest Department,
Government of Maharashtra.

OFFICE OF THE INQUIRY COMMITTEE

Behind Adivasi Vikas Bhavan, Gadkari Chowk,
Old Agra Road, Nashik - 422 002, dated 14th August 2014

**COMMITTEE OF INQUIRY INTO THE ALLEGATIONS OF FINANCIAL
IRREGULARITIES IN TRIBAL WELFARE SCHEMES.**

REGULATIONS OF PROCEDURE TO BE FOLLOWED BY THE COMMITTEE OF INQUIRY.

No. PIL-153/2012/CR. 80(Part-4).—In exercise of the powers under section 8 of the Commission of Inquiry Act, 1952 read with Commission of Inquiry (Central) Rules, 1972, the Committee of Inquiry appointed by the Government of Maharashtra by its order No. जहिया-२०१२/प्रक्र. ८०(भाग-४)/का. १६, dated 15th April 2014 published by the Tribal Development Department in the *Government of Maharashtra Gazette*, dated 15th April 2014 hereby frames the following regulations for the purpose of regulating procedure to be followed by the Committee :—

1. These regulations may be called the Committee of Inquiry into the allegations of financial irregularities in Tribal Welfare Schemes Regulations, 2014.
2. They shall come into force immediately.
3. The office of the committee will be in a building situated to rear side of Adivasi Vikas Bhavan, Gadkari Chowk, Old Agra Road, Nashik 422 002.
4. The Committee will work for five days in a week from Monday to Friday.
5. The working hours of the Committee shall be from 11-00 a.m. to 1-30 p.m. and from 2-30 p.m. to 5-00 p.m. with lunch break of one hour from 1-30 p.m. to 2-30 p.m.
6. The Committee will have holidays as declared or may be declared by the Government of Maharashtra and as applicable to the Nashik Revenue District.
7. The Committee will sit in public, but it may, for special reasons which, it thinks fit, will sit in private.
8. The Proceedings of the Committee will be conducted in English and/or Marathi.
9. The Inquiry Committee consists of more than one member. The President and at least one member, out of remaining members, shall be sufficient Coram, to perform the functions of the committee even during the absence of other members.
10. The Committee shall invite all persons, who are acquainted with the subject matter of the Inquiry, or, who have to communicate any relevant information relating thereto, to furnish to the Committee statements regarding all the facts and circumstances relating to the matter specified in the terms of reference 1 to 8 as per Government Order No. जहिया-२०१२/प्रक्र. ८०(भाग-४)/का. १६, dated 15th April 2014 and every such statement shall be supported by an affidavit verified in the manner following :—

“I declare that the statements made in paragraphs of the above affidavit are true to my personal knowledge and those in paragraphs are made from information received and believed by me to be true.”

Such affidavits shall be endorsed by one of the officers indicated in Section 139 of the Code of Civil Procedure, 1908, or by one of the Officers duly authorized by the Committee to administer oath in this behalf, before whom it is sworn in the manner following :—

“Sworn before me by the deponent, who has been identified to my satisfaction by or is personally known to me. The statement on affidavit has been read out and explained in full to the deponent, who has signed it in my presence after admitting it to be correct, this.....day of 2014, at

Signature of the Authority.”

11. The statement on Affidavit submitted before the Committee shall, as far as possible, be in English language. If a statement on Affidavit be in a language other than English, Marathi or Hindi, it shall ordinarily be accompanied by a translation thereof in English, duly authenticated by an Advocate, a Notary Public or an Executive Magistrate.

12. Every statement of incident shall be drawn up in the first person and shall be divided into paragraphs numbered consecutively, each material statement of the fact being made the subject matter of a separate paragraph. The statement on affidavit shall state the description, occupation, if any, and the ordinary place of abode of the deponent.

13. (a) The person filing a statement on Affidavit shall file three spare copies thereof to facilitate exchange thereof between the parties.

(b) If information is derived by the affiant from any document or record, he shall indicate the nature and particulars of such document, and the person in control and custody thereof.

(c) If any part of the statement on Affidavit is verified on information received by the affiant, he shall disclose the source of such information in the affidavit.

(d) The affiant shall file along with his statement on Affidavit a list of the witnesses, if any, with full particulars and addresses in support of the statements made in his affidavit. The affiant shall indicate briefly the fact or facts, which the witness proposes to speak, if examined, before the Committee.

14. If the affiant relies for the whole or part of his version or any document, such document in original, or a duly certified copy thereof, shall be filed along with such statement on Affidavit. If the original document is not in the possession, power, or control of the deponent, he shall disclose the identity of the person, who has custody thereof. If the document is part of an official record, the Affiant shall indicate the Department of the Government or the Officer having custody or control of such document.

15. If any party or any person desires the Committee to take any oral evidence, he must file in the Office of the Committee, within such time as may be fixed by the Committee, a list of the witnesses, whom he desires the Committee to examine. Each such list must indicate against the name of such witness the facts which are sought to be proved by his oral evidence and the reason, why the same evidence cannot be properly obtained by the Committee on Affidavit.

16. The committee may, if it considers necessary in the interest of justice, call upon any person filing a statement on Affidavit as aforesaid to give oral evidence before the Committee. In such cases, the statement on Affidavit already filed by the person or a part thereof, as the case may be, will be read over to the witness and after he admits the contents thereof as correct the same may, in the discretion of the Committee, be treated as his Examination-in-Chief. The party examining the witness may, with the permission of the Committee also ask further questions by way of Examination-in-Chief. No person will, however, have a right to insist on oral examination of any person or deponent of an Affidavit. It will be in the discretion of the Committee to examine *viva voce* any person or deponent to an Affidavit.

17. Cross-examination of all witnesses, whose evidence is recorded orally on oath, will be allowed to all parties and to the persons indicated in Section 8 C of the Commission of Inquiry Act, 1952.

18. The Committee may summon any person, whose evidence it thinks to be relevant for the purpose of Inquiry, to make a statement or give evidence before the Committee. The Committee shall not however, be bound to summon any person, merely because the Committee is asked by any person so to do.

19. The Committee may, in its discretion, refuse to call any person for oral examination or cross-examination and, instead, allow him to be examined on Affidavit through interrogatories delivered to him.

20. The Committee may, in its discretion, subject to the principles of natural justice, record the evidence of any person summoned to give evidence in such order as it deems fit. It may dispense with the attendance of any person summoned for the purpose of giving evidence before it, if it is of the view that :—

(i) Such attendance cannot be enforced, except by causing undue hardship or inconvenience to the person; or

(ii) Such attendance shall be dispensed with for any other sufficient reason to be recorded by it in writing.

If, after all the evidence is recorded, the Committee may in its discretion either on application of the State Government, a party, or *suo moto*, recall any witness already examined or permit the examination of any new witness, if satisfied that it is necessary so to do for the proper determination of any relevant fact.

21. Registered documents or public records in original, or their certified copies issued by a Registration Department or a competent officer of a department concerned will, as a rule be admitted without requiring formal proof of their execution. The Committee may, in its discretion direct the production of the original records.

22. Official records of the Government Departments or a Government controlled institution, a statutory body, a State Undertaking, a Bank and a Co-operative Society, including office noting, orders, etc. may, subject to any valid claim of privilege, be admitted without formal proof, unless the Committee, in any particular case, requires it to be proved in any of the ways laid down by the Indian Evidence Act.

23. The Committee will not be strictly bound by the provisions of the Indian Evidence Act, but the principles of natural justice underlying the main provisions of the Act will be followed, *mutatis mutandis*, in the conduct of the inquiry.

24. The Committee may issue summons to persons, whose attendance before it may be required either to give evidence or produce documents.

25. Every summons issued by the Committee shall be in duplicate and shall be signed by the Secretary of the Committee. It shall bear the seal of the Committee.

26. The summons issued by the Committee shall be served by a registered post or in such other manner as the Committee may direct and shall specify the day, date and the time at which the person summoned is required to attend and also whether his attendance is required, for the purpose of giving evidence or to produce a document or for both the purposes.

27. A person summoned merely to produce a document shall be deemed to have complied with the summons, if he causes such document to be produced instead of attending personally to produce the same.

28. The provisions as to issue and service of summons of the Committee shall apply to every other process issued by the committee.

29. The Committee has, in exercise of the powers vested in it under section 4 of the Commission of Inquiry Act, 1952, read with section 3 of the Oaths Act, 1969, empowered the Secretary of the Committee and the Section officer / Superintendent of the Committee to administer oaths and affirmations to witnesses before the Committee and for the purpose of affidavits to be filed before the Committee.

30. Subject to the provision of the Commission of Inquiry Act, 1952 and the Central Rules framed there under, as well as the Regulations, the Committee shall have the power to regulate its own procedure in such manner as deemed necessary from time to time.

31. The Committee may, either *suo moto*, or on an application made to it by any person or party delete or expunge any matter from any petition, statement on Affidavit or other document or return any document presented to the Committee, which in the opinion of the Committee, is irrelevant or needlessly offensive or scurrilous or scandalous.

32. Travelling and daily allowances or any other allowances payable to the witnesses will be prescribed by the Committee by a separate order.

33. The hearing of the Committee will be on day to day basis and ordinarily no adjournment will be granted except for some unavoidable circumstance.

34. The witnesses of respective parties and persons may be examined and cross examined in the order to be determined by the Committee. Only those persons, who have filed their statements on Affidavits before the Committee shall be permitted to give evidence. However, in exceptional cases, where a person has not filed a statement on Affidavit before the commencement of recording of evidence, the Committee may either *suo moto* or on an application permit such person to be examined provided sufficient cause is shown.

35. The Committee may ask any question to the witness at any stage of his evidence as it deems fit.

36. It will be the responsibility of the concerned department to produce its witnesses before the Committee.

37. Registered documents, in original or certified copies thereof issued by the appropriate authority, will be admitted without requiring any formal proof of their execution. Similarly, an official record of the Central and the State Government, a Public / Private Limited Company, a Registrar of Firms, a Corporation, a Government Undertaking, a Statutory Board / Body, a Local Authority, a Co-operative Society, including office notes / orders etc., may, subject to any valid claim of privilege, be admitted without any formal proof, unless the Committee requires it to be proved in any of the modes laid down in the Indian Evidence Act.

38. No mobile phones, cameras, tape recorders or any such instruments will be allowed inside the hall where the Committee holds its session.

39. Correspondents of the media can attend the session for the purpose of reporting. However, they will be allowed to attend the session for making true and faithful reports of the proceedings.

40. Certified true copies in the discretion of the committee would be given, if required by any affected party, on payment of prescribed charges.

41. The Committee hereby reserves its right to revise or amend the above regulations, if it thinks it is necessary in the interest of justice and for the purpose of ascertaining true facts.

By order of the Committee,

Nashik,
31st July 2014.

DR. SANJEEV KUMAR,
Member-Secretary, Inquiry Committee.